

Wildlife

Critical Areas Ordinance Information Sheet

The Growth Management Act requires King County and other counties and cities to designate and protect critical areas, including Fish and Wildlife Habitat Conservation Areas. The King County Comprehensive Plan addresses this requirement through policies that require the county to protect certain species and that encourage the county to protect others. The Comprehensive Plan requires King County to protect some species – for example, bald eagles, great blue heron, and red tailed hawks – anywhere they occur in King County. Other species are required to be protected only in rural King County. These species include the northern goshawk and the pileated woodpecker. Finally, the Comprehensive Plan also encourages, but does not require, King County to protect certain kinds of habitats. These habitats include old growth and mature forest, snag-rich areas, and talus slopes. See, [King County Comprehensive Plan, Chapter 4, Policies E-165 through E-179](#).

Aquatic species are generally protected through application of King County's existing and proposed regulations for streams, wetlands, and marine shorelines. Terrestrial species, such as birds and mammals, do not have similar protections under current regulations.

Current and proposed requirements

Current Regulations

State Environmental Policy Act (SEPA) – SEPA requires an environmental analysis of governmental actions that may have a significant environmental impact, which includes impacts to wildlife habitat. The issuance of development permits is subject to this review. However, many smaller projects are exempt from the requirement to conduct this analysis. For example, a proposal to construct a single-family residence does not require SEPA analysis. A subdivision of four or fewer lots is also exempt from SEPA.

A proposal that is subject to SEPA must evaluate the impact of the proposal on the environment. For projects subject to SEPA review, King County requires an analysis of the impact of the proposal on those species identified in the Comprehensive Plan as requiring protection. For example, a proposed subdivision to create ten lots would be required to evaluate whether any species or habitats identified in the Comprehensive Plan would be adversely impacted by the proposal. If impacts are identified, they would be addressed through redesign of the project or mitigation to offset the adverse effects.

Wildlife Habitat Network - King County Comprehensive Plan policies also require the designation and mapping of habitat networks for threatened, endangered, and priority species. A map of potential linkages is included in the Comprehensive Plan (see [Wildlife Habitat Network and Public Ownership 2000 Map](#) at Web site listed below). Existing regulations require that proposed subdivisions, short plats, and development on lots created prior to 1995 that are along the designated wildlife habitat corridor must place the area of the corridor that crosses the property in a separate tract or a conservation easement. The corridor should be 300 feet wide, although it may be reduced to 150 feet where necessary.

Within designated wildlife habitat networks, recreation, forestry, and other uses that are compatible with preserving and enhancing wildlife habitat value of the corridor are allowed. These activities must be developed through an approved management plan.

Proposed Regulations

Fish and Wildlife Habitat Conservation Areas - The proposed Critical Areas Ordinance identifies several types of habitat that are associated with species requiring protection under the King County Comprehensive Plan. The proposed ordinance only identifies those species that are likely to be found in areas of King County where development is most likely. Species associated with the Forest Production District, state and national forests, and wilderness areas are not included. Example of the habitats identified in the draft include:

- Bald eagle nests;
- Great blue heron colonies or mature deciduous trees within 300 feet of a Category I wetland;
- Mature or old-growth forest adjacent to open-space; and
- In the rural area, snag-rich areas associated with mature or old-growth forest.

If a proposed development is within one hundred feet of the identified habitats, the applicant will prepare a critical areas report. The report will include a evaluation of whether the habitat is actually present – for example, that there really is a bald eagle nest – the impact of the development proposal on the habitat and the species, and recommendations for avoiding or mitigating any identified impacts. Any areas identified as needing protection would be designated as a Fish and Wildlife Habitat Conservation Area. The area would be included in an open space tract, if the development proposal is a short plat or subdivision, or in a conservation easement on a individual lot.

Management standards have been suggested along with the proposed Critical Areas Ordinance (see [Rule related to wildlife](#) document at Web site listed below). These management standards would be adopted by public rule after the proposed ordinance is passed.

SEPA - The proposed Critical Areas Ordinance also requires a development proposal in the rural area that is subject to SEPA review to consider the impact of the proposal on those species the King County Comprehensive Plan directs that the county should protect in the rural area. Some of these species include:

- Harlequin duck;
- Elk;
- Columbia black-tailed deer; and
- Western bluebird.

Wildlife Habitat Network - The proposed Critical Areas Ordinance makes only minor changes to the wildlife habitat network provisions. On an individual lot, the proposed ordinance would provide that the location of the network to be designated by notice on title instead of through a conservation easement. Native vegetation in the area of the corridor would be required to be retained.

What activities are allowed in Fish and Wildlife Conservation Areas?

Fish and Wildlife Habitat Conservation Areas – Many of the activities allowed in other critical areas are also allowed within Fish and Wildlife Habitat Conservation Areas. These include:

- Utilities, if another location is not available;
- Surface water discharge from an appropriate facility;
- Public and private trails;
- Crossings under limited circumstances;
- Enhancement and restoration activities;
- Cutting limited amounts of timber for firewood and clearing brush to enhance tree growth; and
- Reconstruction, remodeling, or replacement of a legal structure with conditions.

Wildlife Habitat Networks - There are no changes to the uses allowed in wildlife habitat networks.

Options

The proposed Critical Areas Ordinance includes a provision that would allow additional clearing if a property owner agrees to protect specific types of habitat that are used by species that the King County Comprehensive Plan says the county should protect. The habitats include: caves, habitat corridors, old-growth forest, mature forest, snag-rich areas, and talus slopes. The proposed Critical Areas Ordinance generally limits clearing on rural residential parcels to 35% of the lot. If a property owner designates these critical habitat areas for protection, he or she may clear twice as much area as is protected. The total amount of clearing that would be allowed would be 50% of the parcel.

To learn more

To learn more, access the following Web sites:

<http://www.metrokc.gov/ddes/cao>

[King County Comprehensive Plan, Chapter 4, Policies E-165 through E-179](#)

[Wildlife Habitat Network and Public Ownership 2000 Map](#)

[Rule related to wildlife](#)